

Luke: Welcome and thank you for joining ARP emergency assistance to non-public schools. Before we begin, please ensure you've opened the WebEx chat panel by using the associated icon located on the bottom right corner of your WebEx screen. Please note that all audio connections are muted until the Q&A portion of the call. You may submit written questions throughout of the presentation, and these will be addressed during the Q&A. To submit a written question, select everyone from the dropdown menu in the chat panel, enter your question in the message box provided and send. If you require technical assistance, please send a chat to the event producer. With that, I will turn the conference over to Lakesha McKenzie. Lakesha, please go ahead.

Lakesha McKenzi...: Everyone, welcome to SGRs office hour session on ARP EANS implementation for non-public school leaders and ARP EANS grantees. I also want you all to know that we do appreciate your patience as we work through these challenging times, we are committed to helping you, all about hosting these types of office hours. We really want to make sure that we help you navigate the program requirements as best as we can. So these office hours are for you, please continue to let us know if there are topics that you would like to see us host office hours for.

Also feel free to ask questions as we move throughout the presentation, but we will also have a specific time designated for asking and answering questions at the end of the presentation. We encourage you to submit your questions in the chat box, as we are going through the content of the presentation. For those of you who have joined by phone, we will also make sure to pause, to give you an opportunity to ask your questions over audio. If you are joining by phone and you want to ask a question over audio, you will need to raise your hand so that we can unmute you. And now, at this time, I would like to introduce our director, Laura Jimenez, who will give her opening remarks at this time. Laura.

Laura Jimenez: Hi, thanks Lakesha. Welcome to everyone. I will not take too much of your time, except I'd like to say welcome, and thank you so much for taking the time out of your very busy schedules to join us. We have lots of, hopefully, very good and helpful information to provide to you on the EANS program, which is a new program that was begun under the COVID relief program. So I'm going to kick it over to, I believe, Britt.

Britt Jung: Thanks, Laura. And welcome everybody. Welcome to both our EANS grantees as well as our non-public school leaders. Thanks again for being here. I want to review the unique and important timelines and deadlines under the EANS program. As some of you probably know, a State has 30 days after receiving it's ARP EANS award to make an application available to non-public schools, and the department posts on its website, the applications and the award dates of each state. So information is available publicly. After that, applications must be approved or denied within 30 days of receipt by the State Educational Agency. And then following that, there's no statutory timeline for how long a State must leave the application window open, but just the fact that applications must be approved or denied within 30 days of receipt by the SEA.

And then all ARP EANS funds, just like under the CRRSA EANS program, must be obligated in an expedited and timely manner to the extent practicable, and the State must obligate ARP EANS funds not later than six months after receiving the funds. And we'll talk more about obligations in a few minutes. As again, some of you know, the department issued final requirements and an application for the American Rescue Plan, or ARP emergency assistance to non-public schools program on July 9th of 2021. Nearly all of the Coronavirus Response and Relief Supplemental Appropriations Act 2021 or CRRSA Act, as some of us say, EANS requirements apply the ARP EANS program. However, there are two major exceptions. First an SEA may only provide services or assistance under ARP EANS to non-public schools that enroll a significant percentage of students from low income families and are most impacted by COVID 19. And then this second major exception is that an SEA may not use ARP EANS funds to provide reimbursements to any non-public school.

I'm going to turn the mic over to my colleague Jenay, from the office of non-public education.

Jenay Morrissey:

Thanks Britt. And before I jump in, I'll just quickly introduce myself, as some of you may not be familiar with our office and my office, but I am Jenay Morrissey, and I work in the Office of Non-Public Education or ONPE. We work to facilitate the participation of non-public schools, students, teachers, and families, as appropriate in Federal Education Program. And along with my colleague, Melissa Schrader, in our office, we have been working alongside SGR to assist with the administration of the EANS program.

So many of you may already know my name or our office, so you may have some familiarity with us, but I will go ahead and jump in. As Britt just noted, to be eligible, to receive services under the ARP EANS program, a non-public school must enroll a significant percentage of students from low income families, which is either a 40% or an alternate significant percentage as approved in a state's application.

A student from a low income family is defined as a child between the ages of 5 and 17, whose family income does not exceed 185% of the 2020 Federal poverty level. States were required to identify the sources of data that would be utilized in determining school eligibility, which I will cover in the next slide, but I want to highlight two general notes regarding that data first. And the first is that the poverty threshold must be consistent across sources. So for example, if a State is using both FRPL or free and reduced price lunch data in a survey, you want to make sure the survey is also identifying students from families whose family income is at or below 185% of the Federal poverty level, because that is also the threshold for FRPL eligibility. So all of that, to say that the data sources may vary among and within non-public schools, if the State selected multiple data sources in their application. Next slide.

So under the ARP EANS final requirements, the source of data must be an actual measure of family income. So that means that methodologies such as

proportionality or other proxies may not be used to determine the eligibility of non-public schools for ARP EANS services or assistance. There are two allowable sources in the final requirements that use the same poverty threshold, which are the FRPL data and data from the E-rate program, which are both programs that non-public schools may participate in, so they may have that data available. The final requirements also specify data from a different source, such as scholarships or financial aid data are allowable because scholarship or financial aid information can produce family income data for students enrolled in a non-public school. Next slide.

So the final requirements also permit an SEA to develop a survey, to assist non public schools and collecting poverty data. Now, you could note that while the SEA should develop that survey, the non-public school could assist by administering the survey to families and then use the results of the survey to demonstrate its eligibility for ARP EANS services. Also, a survey could be structured similar to the FRPL survey, just as long as it's getting data around the number of household members and the annual income of that family. So additionally, non-public schools may have other data available, and so we encourage states to discuss with non-public schools, what other data they may have, just to avoid engaging in additional data collections, if possible. One note I want to make here is that the State does decide to use measure that is different than what is reflected in their approved application. They would need to amend the application accordingly, so if you're in that position, just reach out to your SGR program officer and they can assist in making that happen for you.

And then I have one final note before I'm going to turn it back to Britt, and that's on the paycheck protection program. So in general, the PPP restriction continues to apply to ARP EANS, meaning that a non-public school that applied for and received a loan from the small business administration's PPP program, that was made on or after December 27th, 2020, is ineligible to participate in ARP EANS. If an SEA has questions concerning the PPP loan program, as related to a nonpublic school's participation in ARP EANS, we do encourage you to reach out to the department.

Britt Jung:

Thanks, Jenay. And I just want to emphasize what great partners the Office of Non and Public Education have been for us in the Office of State and Grantee Relations. It's been really great to work together to implement this program. I'm going to talk about how some states determine the amount of services or assistance that are provided to non-public schools.

So we understand that an SEA may calculate estimated allocations, and we put allocations in quotation marks because there really is not... There's no requirement under this program that an SEA make allocations, but we do realize that an SEA might calculate estimated allocations for eligible non-public schools in the state, in order to provide guidance to applications regarding the amount of services or assistance that could be available, so for planning purposes. And we want to emphasize that these planning allocations can be a useful tool, but it [inaudible 00:11:47] be used for planning purposes for non-public schools to

request services or assistance. And again, I want to emphasize, a non-public school does not receive ARP EANS funds, it is not a recipient of these Federal funds, the schools receive services or assistance.

And just to continue on that point a little more, many states also intend to provide greater access to services or assistance to non-public schools with higher proportions of low income students enrolled. And the department appreciates that estimating allocations based on some type of weighted formula might be the easiest way to do that. A planning allocation formula may be used as a starting point, again, but a State should allow eligible non-public schools to request services or assistance beyond the amount that was, quote, allocated. So if the needs of schools ranked higher in priority are met, and there are still funds remaining, the State can go down its list, and presumably, it would be relatively easy to go down its list and honor any additional requests for services that may not have been met through the initial planning allocations. So we don't want you to set a false ceiling for the schools, but we recognize that it could be useful. It could be useful to have planning allocations. So in short, states should not limit a non-public school's ability to request all needed and allowable services or assistance, even if beyond a planning allocation amount.

So I'm going to shift gears and we'll talk about uses of funds. As noted earlier, the uses of funds under ARP EANS is the same as those under CRRSA EANS with one notable exception, and that's reimbursement. Reimbursement for services or assistance is not an allowable activity under ARP EANS.

Here are some things to keep in mind. And one of the things I want to emphasize first, is that the allowable services or assistance under the EANS program is not the same as those that are allowable under the ESSER or GEER programs. So it's important to note that these are uniquely and different programs, and the allowable uses of funds under EANS is much more narrow than those under ESSER or GEAR.

So again, some things to keep in mind are that the State has to maintain control of all program funds and the title to all supplies and equipment purchased with ARP EANS funds, also services or assistance provided must be allowable from the exclusive list in section 312(d)(4) of the CRRSA Act, and in the context of addressing the impact of COVID-19, and not the general needs of a non-public school. And we address the allowable services or assistance in our FAQs as well. And then also, to be allowable, an expenditure must be consistent with the cost principles in the uniform administrative requirements, cost principles, and audit requirements for Federal awards, including the requirement that a cost be necessary and reasonable for the performance of the Federal award. And as I promised earlier, we're going to talk a little more about obligations.

Jenay Morrissey: Yes, and I will take you through that. Just to start off with, we recently reached out to all states regarding obligations under the CRRSA EANS program, so we wanted to take the opportunity to reiterate the information as it applies to ARP EANS as well. As you know, states must obligate funds for services and

assistance to non-public schools within six months of receipt of the award. And this has led to quite a few questions about what it means to obligate funds, so I want to take the opportunity now to clarify. So the regulations at 34 C.F.R. 76.707, actually govern when an obligation of Federal funds occurs, specifically for services or assistance it's provided through a contract. The obligation is made on the date that the SEA makes a binding written commitment to obtain the services work or product, so when they sign that contract, or for rental or lease of real or personal property, the obligation is made when the property is first used. Next slide.

So like I said, all states should have received some information last week pertaining to CRRSA EANS specifically, that provided a little more guidance around this, but it's safe to say that the same guidance applies to your ARP EANS program. And I think what is really important to highlight here, is what is not an obligation, specifically approval of a non-public schools application under the ARP EANS program, or completion of something such as an MOU or a contract with a non-public school regarding the services they've requested, is not an obligation of funds. And I will turn it now back to Britt to talk a little bit more about what happens with unobligated funds.

Britt Jung:

Thanks Jenay. So we've talked to a lot of states already about out... Or all of you, in fact, about any unobligated CRRSA EANS funds, and for some of you, you've already begun the process, or are in the process, or completed the process of reverting unobligated funds.

So if a State is in full compliance with all statutory requirements, including ensuring that the needs of ARP EANS participating non-public schools for allowable services or assistance have been met, then the funds that aren't obligated within six months of receipt the award must be reverted or returned the Governor for [inaudible 00:18:54] under the program. And so we've asked that when the SEA is determined the amount of unobligated funds, or has a reasoned estimate as to what that amount will be, that will then revert to the Governor, that the SEA reach out to us, we ask you to reach out to your program officer. Also, the SEA should work with the Governor's office to determine who will administer the unobligated ARP EANS funds, and to document any agreement between the SEA and the Governor's office, including the amount of unobligated ARP EANS funds that the SEA will revert.

It's important to understand, and that the Governor's office understand, that once these funds are reverted for allowable uses under the GEER program, then they're available for obligation through September 30 of 2024. So I want to make that clear, there's no one year deadline in this program, these funds will be allowable... Will be... I'm sorry, available for obligation for allowable activities under the GEER program through September 30 of 2024. The funds remain EANS funds, so they were awarded as EANS funds, they remain EANS funds, it's just that they become available for allowable uses under GEER. So as a result, you won't receive a new GEER a new grant award notification. Instead, it's just that they're now available for allowable uses under GEER.

In the event that SEA will not administer these funds, so in some cases, we know that the SEA will continue to administer the funds for the Governor's office. In some cases, the Governor's office will administer these funds. If you need a change in the payee that is currently in G5, please let us know, and we can help you make that change. For more guidance on using these funds, please refer to the department's communication from January 21st of this year, 2022, where we shared a little more guidance on allowable uses under the GEER fund.

I'm going to shift gears and talk a little bit about annual performance reporting. So all grantees are required to report on CRRSA EANS and ARP EANS funds through an annual performance report that will describe how the State used the awarded funds during the performance period. You will also report on any funds that were reverted to the Governor on the EANS APR. The annual performance report submission dates for year one, so this will be the first year that EANS grantees are reporting. The date of open is May 16th, and the performance report will be open through June 3rd.

And we realize that given that you've received your EANS funds, your ARP EANS funds, most of you received them in fiscal year or 2022, a few of you, a handful of you received those funds at the very end of fiscal year 21. As a result, you likely will not have anything to report for ARP EANS this year, but you will next year. And what we have linked here that you should have through an email correspondence from us, but it's here at the end of this slide as well, is the link to the EANS data collection form. So that's available on our ESF transparency portal, under the grantee help page. Jenay.

Jenay Morrisey:

Yep. Well, I'm going to close out the presentation portion of our webinar by letting you know that we are committed to providing ongoing technical assistance as needed. And just to raise for your awareness that EANS implementation will be monitored during quarterly review meetings. And really quickly, I know we're going to get into our question answer session, but I saw a couple questions come through that I thought I could answer just really quickly, and one of those was, is ARP EANS also what they've heard referred to as EANS two. And yes, that is correct, a lot of people refer to the CRRSA EANS program as EANS one and ARP EANS as EANS two. So also in regards to any questions that we're not able to get to today, or if you think of questions you have after the presentation, you're always welcome to submit those through our EANS mailbox that E-A-N-S @ed.gov

I also realize many of you may not have been familiar with our office, but you can also reach out to our office regarding other issues around non-public schools at onpe@ed.gov, where we're happy to assist, or get you to the right place for assistance. I can also drop that email address in the chat if it's helpful. And then there's also information around the ARP EANS program out on our webpages, so feel free to check that out. The guidance is located there, as well as information regarding all of the approved applications and the awards to each State. So with that, I think I'm turning it back over to Lakesha to help facilitate our Q&A session.

Britt Jung: And I'm going to jump in, because I see there are a few questions that I'll try to answer. And one of the questions is around the reimbursement requirement, or the fact that reimbursement is not an allowable activity under ARP EANS. So again, reimbursement was allowable under CRRSA EANS, it is not allowable under any circumstance, under ARP EANS, there are no exceptions to that rule. There's another question about non-public schools that received a PPP loan, or a Paycheck Protection Program loan. If they applied for and received such a loan on or after December 27th, 2020, they are not eligible for the EANS program.

Laura Jimenez: Britt, you broke up just now. Can you repeat that?

Britt Jung: Yes. So one of our participants had a question about eligibility with respect to the PPP or Paycheck Protection Program, and as was true under CRRSA EANS, it is also true under ARP EANS, as Jenay shared earlier, that if a school applied for and received a paycheck or a PPP loan on or after December 27th of 2020, it is not eligible to participate in the EANS program.

Someone asked if a State can say no to a purchase or to a service or assistance because it doesn't meet the reasonable requirement. And yes, it is definitely the responsibility of this State, the State Educational Agency to determine if a service or assistance meets the reasonable and necessary requirement.

The budget period, there's a question about the budget period. So when we say that the funds are available for obligation, so any reverted funds that go back to the Governor, they're available for obligation through September 30 of 2024, and that includes the tidings period. So they would have then an additional a 120 days to liquidate those funds. But the September 30, 2024, date is including the tidings period.

Jenay Morrisey: Did we give an answer to the reimbursement question yet? Because I'm happy to address that.

Britt Jung: We talked about the fact that reimbursement is not allowable under ARP EANS under any circumstance.

Jenay Morrisey: Yep, and I think somebody asked if... It seems like the question was asking if there is an exception to that. And to Britt's point, under ARP EANS, reimbursements are not allowable, so there are no exceptions under ARP EANS.

Laura Jimenez: We do have a question about out the reverted funds. Once the funds revert back to the Governor's office under GEER, will a participating non-public school be considered a recipient of Federal funds?

Jenay Morrisey: Diane I'll let you answer that.

Diane Rentner: So under the EANS program, non-public schools are not recipients of Federal funds because they're only receiving services and assistance. Under GEER, if the

Governor's office were to make a direct grant to a non-public school, they would be considered recipients and other Federal requirements would apply, but that's only if the funds go directly from the Governor to the non-public school.

Britt Jung: Luke, do you want to give a chance for anybody who's called in to ask questions?

Luke: So far, no one has called in, but if you would like to ask a question, please use the raise hand icon on WebEx to raise your hand, or press star 3 if you have dialed in directly to WebEx. Looks like we do have a caller. All right, first caller, Aaron Fitch. Your line is now unmuted, please go ahead.

Aaron Fitch: Okay, if funds are reverted to GEER one... Excuse me, to GEER, after the six month period, and the Governor then allows the SEA, the Department of Education to administer those funds under GEER, using for EANS purposes, and we reimburse under the GEER rules.

Britt Jung: So as Diane noted, there's some factors that you need to keep in mind, but yeah, it is true that once the funds revert to the Governor for allowable uses under GEER, so they don't become GEER funds, but they become available for allowable GEER purposes or uses, then the Governor has a lot more flexibility in how to use those funds. So there are FAQs specific to GEER, that we can make sure you have available, but yes, it is true that then the Governor has a lot more flexibility.

Laura Jimenez: But Britt, the same is also true that if non-public schools are granted funds by the Governor for uses under GEER, they become Federal grantees.

Britt Jung: Right.

Laura Jimenez: And then all of those requirements apply.

Britt Jung: That's right.

Aaron Fitch: Am I on mute? Can you hear me?

Britt Jung: We can hear you.

Aaron Fitch: Okay, I'm sorry. Okay. So yes, but in the case that I'm thinking of, the Governor would not be [inaudible 00:32:44] the funds to the school, and therefore making them [inaudible 00:32:46] funds. They're giving him back to the State, to the SEA to administer as EANS funds. So if a school were to purchase something, let's say, a curriculum, that deals with learning loss and it was acceptable, could we reimburse that school, therefore taking over ownership of the curriculum that was purchased, just like anything else under GEER?

Britt Jung: Yes, that would be allowable. I think, though, and Diane, you can correct me if this isn't correct, but I think that school would be a recipient of Federal funds in this case.

Aaron Fitch: Actually, we'll revert this to writing in the future, so we make sure that we all have this down.

Jenay Morrisey: So it sounds like you're saying that in reimbursing the school, you would actually be purchasing the materials, or the rights to the curriculum, or whatever it may be, from the school, so that the State becomes the owner of that material.

Aaron Fitch: That's true. That's what happened under EANS one.

Jenay Morrisey: Right.

Aaron Fitch: If they'd already purchased things they were allowed to be reimbursed for, right? So now, as I was saying, is if they purchased something, and we had GEER money operating as EANS money, was coming out of the GEER bucket, if you will, can we reimburse without it becoming... As long as it... Basically, we were to be taking over ownership and letting them use the stuff that's they bought, we'd be purchasing from them, essentially.

Jenay Morrisey: So I think this is one we may need to take under consideration and get back to you on, because I think this is a little bit trickier, because they're EANS funds that have reverted to the Governor for allowable uses under GEER, but the Governor has agreed to allow the State to continue administering it. And it sounds like they're going to implement it just like they implemented EANS, probably for purposes of ease, the system's already set up, but because they're now basically governed by the GEER program, could they do reimbursement?

Aaron Fitch: That's my question.

Jenay Morrisey: Okay. Yeah, I think that's one we'll take back under consideration, and can follow up on.

Aaron Fitch: Thank you so much.

Luke: All right, we'll move on to the next caller. Michael, your line is not unmuted, please go ahead.

Michael Capitel...: Hi everybody, how are you? Michael Capitelli from New York [inaudible 00:35:33], New York. Just first, thank you for doing this. You have been a resource for us, and so very much appreciated for the access and the willingness to answer questions and address questions. I think mine is a little more nuanced, but I think it's more just a process or a protocol. Is there a way where we can have, for those who might have larger EANS applications, mine, I believe is one of the largest in the country, that we can have three-way meetings with

the department, with the SEA or some process to vet out eligibility of items, because when there's items that we... Like a very clear plain reading of this, of the FAQ, or even this statute, and there seems to be, I think a lot of confusion, for example, if we're buying science kits, and those that are, one, help mitigate the materials that students come in contact with. So it's, would be used for the CDC reopening and operation of school facilities to effectively maintain health and safety, because students will have individual items. It would also fall under, for example, educational technology, which would help students with remote and hybrid learning. And it would also fall underneath redeveloping instructional plans. And so, and it seems to me like... And I respect the opinion of the SEA, but I think there's just some [crosstalk 00:36:59].

Britt Jung: I understand the gist of your question, and what our process is, is if an SEA or grantee has questions about allowable uses of funds, we have a process set up internally to review those questions and answers. And so, the State or a grantee would email either the EANS mailbox, EANS, E-A-N-S @ed.gov, or their State mailbox, and then we take those questions under consideration.

If you have concerns, that you think an activity is allowable and your SEA has said it is not, then I would ask you to reach out to the ONPE mailbox O-N-P-E @ed.gov, and I assure you that we work closely together and we will work to resolve your concerns.

Michael Capitel...: Thanks. Great. I'm just wondering if there's a quicker way of just a three-way meeting where people can sit in a room for 60 minutes, go through them and just come away with a group conversation. But I respect that you have to do this for so many areas around the country, so it just might not be realistic to do it that way. Thanks.

Britt Jung: Unfortunately, I don't think that's realistic, but I appreciate the question.

Luke: All right. We'll move on to the next call Wendy Fonds, your line is now unmuted, please go ahead.

Wendy Fonds: Thank you. And again, I want to echo just how appreciative I am of the fact that you've put together all these slides and all the answers. They really do help a lot with understanding the process. I am still, unfortunately, a little bit confused over that word obligation. And what I think might help is, is there a possibility of you putting together a sort of, "Here's what it would look like?" A couple scenarios, and putting those out, and same thing with regards to processing for the GEERs, for the ARP EANS going into GEERs, and then the GEERs potentially coming back or being administered directly, and be tagged a Federal recipient. So just a couple of samples, I think, and you gave a couple, but I couldn't type that fast, I do apologize. But I think if we-

Britt Jung: I'm sorry, Wendy, who are you with again?

Wendy Fonds: Oh, sorry, I'm Wendy Fonds with Office of Public Instruction, Montana.

Britt Jung: Thank you. And I'm sorry, what were the examples that you heard, that we shared?

Wendy Fonds: So if you could give examples of things of how GEERs can be, GEERs funding coming back into an SEA, or staying as it is, which scenarios would be Federal recipients, in other, the non-public school would be the Federal recipient or not, one of those scenarios. And you gave two or three, and the person who asked, two people back, had some of that in the question. And then the other one is with regards to looking at how those funds are being used, just some examples. I think the examples, I guess that's what I'm trying to say, is some of the answers are really great, but having some examples really helps us anchor on, "Oh, here's a piece."

Britt Jung: So...

Wendy Fonds: I can send that in the OMPE. I can send that specifically, but I just didn't know if you had an example box, or a sample box.

Britt Jung: No. So I would suggest a couple things. And then, so one, refer to the email that we sent on January 21st. It talks about different ways you can use the funds that revert to the Governor for allowable uses under GEER.

Wendy Fonds: Got that.

Britt Jung: Also refer to the guidance or the FAQs for GEER, as well as the FAQs that address ESSER and GEER uses of funds, because that helps gives you the universe of allowable activities. And then lastly, I would just say, if you could reach out to your State mailbox, and we'd be happy to have a conversation with you.

Wendy Fonds: Okay. Okay. So there, isn't... I'm understanding that there's not such an animal in terms of the sample piece, it sounds like.

Britt Jung: There are... I would refer you to the FAQs on allowable activities or uses of funds under GEER. There just are... The allowable uses are very broad.

Wendy Fonds: Yeah. Okay, and that I have looked at, so that'll be perfect. Thank you. I really appreciate that.

Britt Jung: Sure. Diane, are there questions in the chat that we haven't addressed?

Diane Rentner: Sure. There have been a couple questions around the reverting of the funds to the Governor's office for purposes of GEER before this six month period lapses, and whether or not a State could revert them right now.

Britt Jung: Good question. We just say that if you believe you're in the situation where you're in... I'm sorry, where you're in compliance, you've complied with the statute and the requirements under the GEER... I'm sorry, under the EANS program, and you've met all the needs of your non-public schools, your eligible non-public schools, then we ask that you reach out to us and we'll just talk it through a little bit. But the short answer is yes, it could be possible that you may be in a situation that you're ready to revert funds before the six month mark. But before we say yes, go ahead, please reach out to us and we'll have that conversation.

Any other questions, Diane?

Diane Rentner: There were a couple questions around the issue of the significant poverty percentage. So there might be a little bit of confusion about what was in the final requirements, and maybe why the states have differing percentages, and so, how that process worked, I think, is what we wanted to talk through. And then related question was, any concerns from the department with, in some states, so few schools eligible for ARP EANS, given the requirement for the significant poverty percentage?

Britt Jung: Thank you. As with many aspects of this program, the context, each state's context is very different front and relevant to the circumstance. So for the first question around the alternate significant poverty percentage, states presented their information and their data in their application if they proposed a percentage that was other than the 40%, and we, in many cases, had discussion or communication with the State, asking questions and understanding their context. So it's very, I think, each situation is very State specific. And then the second question, I'm sorry, can you repeat the second question?

Diane Rentner: The so few schools are eligible.

Britt Jung: So our goal in administering this program was to follow the statutory requirements. And so, the statute for ARP EANS changed the requirements, such that states were required to only award funds to schools with significant percentage of low income students. And so we realize that how that plays out is different from one State to another, I don't know, Jenay or Diane, if you have anything else to add, Josie?

Diane Rentner: The only thing I would add is that that is the statutory requirement, so it does necessarily narrow the pool of eligible non-public schools, compared to CRRSA EANS.

Britt Jung: Thank you.

Jenay Morrissey: I would just add that, to keep in mind that funds that are not obligated after all the needs have been met of eligible schools, those funds will revert for use under GEER, and in that case, the Governor has broader flexibility in the schools

that may be served under the program. So the restrictions that apply regarding the low income percentage or PPP participate do not apply under the GEER uses of funds.

Britt Jung: Diane, do we have any other questions?

Diane Rentner: Sure. We had a question, how should an SEA evaluate a non-public school's allocation for services and assistance, request for services and assistance, that feels like an outlier in comparison to other schools' applications? And the example given was, if a school hypothetically requested a state's entire ARP EANS allocation.

Britt Jung: Well, I think that may be one that we should talk about with you, but in general, you need to address the needs of all eligible non-public schools, and so, it's for this State to determine how to prioritize schools, or in some cases, target specific schools that have higher percentages of low income students. And so, given that, you wouldn't be able to allow a school to consume all of a State's allocation, but it sounds like... I'm not sure if this is the hypothetical question, but it sounds like maybe one we should talk to you about offline. But just to note that it's important that... An important takeaway is that you have to meet the needs of all eligible non-public schools, and that you do so in a way that honors your prioritization or your targeting.

Jenay Morrisey: And I've seen a couple of questions pop up in the chat, that I've posted links in the chat to direct you to some of the resources that are available, particularly around guidance and State applications. Those are available on the ARP EANS webpage.

Luke: Hi, so we do have one more caller on the line who would like to ask a question.

Britt Jung: Okay.

Luke: Louis [inaudible 00:48:40], please go ahead.

Louis: Morning everyone. Morning Britt.

Britt Jung: Hi Louis.

Louis: So I appreciate the new guidance that came out in September, going one step further with the window question, that we, you could pay for installation of windows if the school would pay for the windows. So once non-public school asked me, "Well, can we upgrade our internet?" And I'm stumbling, because I'm thinking it would possibly fall under that same logic, that we can pay for the installation, but any equipment, as long as it's not... Takes any kind of constructional changes, that we could do that as well, as the equipment would be ours if we purchased that. But I didn't say that in the first round because I thought it would all be unallowable, but with that nuance of the installation

being separate from the product itself, I'm wondering if that opens the door for us to help schools with their internet bandwidth.

Britt Jung: I think we should talk about your specific situation separately, offline. So if you want to send us an email, that would be great.

Louis: Thank you.

Britt Jung: I'll just give it a couple more minutes.

Jenay Morrisey: I've seen a couple questions about whether or not we would follow up with States if a question wasn't answered in the chat. I would say that if your question was not answered in the chat, to please follow up by sending an email to the eans@ed.gov mailbox, or onpe@ed.gov as well, and we'll make sure and follow up with you.

I also see the question about clarifying the connection between a school's financial aid determination and low income percentage to determine EANS two eligibility. Just quickly share that if the financial aid information that the non-public school has, actually has the student's family income information within that application, that that can be used to verify the number of students that are at or below 185% of the Federal poverty line, potentially. So it would just depend on what data is actually collected within the financial aid information of students in that school.

Britt Jung: I see that there's a question about using an alternative significant percentage that is below the percentage, the department approved for a State. And once a State has its alternate significant percentage approved, then we make the award and we post the application online. And that is the percentage that a State has committed to and approved for, and it may not... And that is how the State is required to administer the program, so the State may not apply a lower alternate significant percentage than what it was approved for.

Somebody asked about when the ARP EANS was signed into law. So the American Rescue Plan, the Act, is the Act under which the EANS two program, or ARP EANS program is authorized and it was funded. And the American Rescue Plan was signed into the law in March of 2021.

And again, I'm seeing, I'm just looking at the chat myself. I'm seeing questions about reverting funds to the Governor. I think we've spent quite a bit of time on that, but if you still have questions, please reach out to your State mailbox. But in short, if you believe that your State is in compliance with the statute and the requirements of the EANS program, and you are in a position to revert funds to the Governor, then please reach out to us, reach out to your [inaudible 00:54:40] officer and we'll talk about next steps. So- ... all for joining us, thanks to my colleagues, Jenay, Diane and everyone else in the Office of Non-Public Education, as well as in SGR, and our Office of General Counsel for being with us

today and for supporting us with this program, I'm going to turn it back to Laura, and again, thank you for joining us.

Laura Jimenez: Thank you all so much for your time. And we hope that you have a great rest of your day. Thanks so much.

Luke: That concludes our conference. Thank you for using Event Services, you may now disconnect.